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CERTIFICATE OF MAILING (37 C.F.R. §1.8)

I hereby certify that this paper, together with all enclosures identified herein, are being deposited with the United States Postal Service as first class mail, addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on or before March 9, 2009.

3.9.09
Date

William L. King III
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Tonar et al.
Examiner : Alicia Toscano
Serial No. : 10/085,434
Group Art Unit : 1796
Confirmation No. : 4510
Filed : February 28, 2002
Attorney Docket No. : GEN-001323 C3
Title : ELECTROCHROMIC LAYER AND DEVICES
COMPRISING SAME

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO ACCEPT AN UNINTENTIONALLY
DELAYED BENEFIT CLAIM UNDER 35 U.S.C. §119/120**

Dear Sir:

This communication is in response to the Office Action mailed September 8, 2008, directed to the above-identified application, which indicated that Applicant must file a petition with the appropriate fees to correct the priority claim under 35 U.S.C. §119/120.